

### **REMARKS**

In this paper, no amendments are made. Claims 1-20, as originally filed, are pending. Reconsideration of this application is requested.

### **Rejection Under 35 U.S.C. § 112**

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is traversed.

The Office Action contends that the phrase "rubber like" renders the claims indefinite because the claims include elements not actually disclosed, thereby rendering the scope of the claims unascertainable. Applicants respectfully disagree.

"Rubber like" refers to the material used for the seal arrangement (independent claim 1, line 11, "a seal arrangement comprising a rubber like material" and independent claim 8, line 12, "a seal arrangement comprising a rubber like material"). Applicants contend that one skilled in the art of air filters, together with the discussions in the application, understands the phrase "rubber like" and materials that fall within that phrase, as referring to materials of appropriate consistency to seal.

Page 8, line 22 to page 9, line 7 of the application discusses the seal arrangement, which includes a seal member. The "seal member 46 ... provide[s] a seal (i.e., a housing seal) upon appropriate engagement with a portion of the housing 10. Typically, the seal member 46 comprises a rubber like material, such as foamed polyurethane. In typical preferred applications, the seal member 46 is configured to engage a sealing portion 47 of the housing 10 at or adjacent outlet end wall 26." (page 8, lines 23-27).

From this passage, one can readily discern that the seal arrangement, which includes seal member 46, is configured to provide sealing between the filter element and the housing. The seal arrangement comprises material that is capable of providing the needed properties, e.g., engaging the housing in an air-tight manner. From the provided passage, an example of a rubber like material is foamed polyurethane, although it is well understood that other materials provide the desired sealing properties.

Another passage, on page 26, lines 17-21, describes that "the seal arrangement [is] sealed to the housing with a rubber-like material pressed against the housing and preferably compressed in thickness . . ." This passage continues that when the filter element is engaged, the seal arrangement is axially pressed against the housing. Again, one can readily discern that the seal arrangement is configured to provide sealing between the filter element and the housing and that the seal arrangement comprises material that is capable of providing the needed properties.

In view of the above, Applicants respectfully disagree that the phrase "rubber like" is indefinite in the current usage. Withdrawal of this rejection is requested.

**Rejection Under 35 U.S.C. § 103(a)**

Claims 1-20 stand rejected under 35 U.S.C. §103(a) over International Publication No. WO 00/74818 (PCT '818) and U.S. Patent No. 6,190,432 (Finnerty et al.).

Both of the cited references, the PCT '818 reference and U.S. Patent No. 6,190,432 (having inventors Gieseke and Finnerty), are assigned to the assignee of the pending application. Applicants' representatives are familiar with the teachings of these two references and the similarities and difference between the references and the claims of the pending application.

Applicants agree that the PCT '818 reference discloses a method of installing a filter cartridge 500 with a sealing arrangement 543 including a sealing gasket 544 by axially sealing the filter inside a housing. Sealing of filter cartridge 500, and other cartridges of the PCT '818 reference, is accomplished with a retention mechanism, such as the retention mechanism 602 of Figure 39.

Filter cartridge 800, similar in various ways to filter cartridge 500, is also configured for mounting with a retention mechanism, such as the retention mechanism 602 of Figure 39.

Applicants contend that the teachings of the PCT '818 reference have been misunderstood and incorrectly described by the Patent Office in the Office Action. In Figure 42, filter cartridge 800 is illustrated with a first locking device 804, which includes a first interlocking member 806, such as a recess, cutout or indent 808 in a side panel 810. All of a first locking device 804, first interlocking member 806, and indent 808 are part of filter cartridge 800. The first locking device 804 is constructed and arranged to receive a second interlocking device 812.

In Figure 42, a projection 814 is illustrated; in the Office Action, the opinion expressed is that projection 814 is a part of the filter cartridge 800 and that it extends outward from the filter sheath. This is an incorrect interpretation. From review of the discussion on page 49, lines 21-30 of the PCT '818 reference, it will be understood that projection 814 is a first interlocking member 813, which is part of second interlocking device 812. Projection 814 extends from a control arm of a retention mechanism (such as mechanism 602), or from a door. The first interlocking device 804 (which is part of filter cartridge 800) and second interlocking device 812 (which includes projection 814) are constructed and arranged to interact with each other. Projection 814 is not a feature on filter cartridge 800, and thus does not meet the recitation of "a projection arrangement including projections extending outwardly from opposite sides of the sheath" of the pending claims. Additionally, projection 814, does not meet the recitation of "a portion of the air cleaner arrangement in engagement with the projections on the sheath and thereby axially driving the filter cartridge against the housing" (claim 1, lines 21-24; claim 8, lines 23-26).

The Office Action attempts to turn to U.S. Patent No. 6,190,432 for the teachings of z-filter media and a sheath around the z-filter. Although Finnerty et al. may provide a z-filter media and a sheath around the z-filter, what is still lacking is a projection on the filter sheath, and engaging those projections with structure inside of the housing to bias the filter cartridge against the housing.

At least for these reasons, Applicants contend that the PCT '818 reference, U.S. Patent No. 6,190,432, and any combination thereof, do not render the pending claims obvious and unpatentable. The Section 103 rejection is based on a misunderstanding of the PCT '818 reference. Withdrawal of the current rejection is requested.

#### **Rejection Based On Obviousness-Double Patenting**

The Office Action states that claims 1-20 of this application conflict with claims 1-13 of U.S. Application Serial No. 10/776,662. It is unclear whether the outstanding Office Action actually states that there is a rejection based on obviousness-type double patenting or a provisional rejection based on obviousness-type double patenting. If either is the case, reconsideration is requested.

It is pointed out that claims 1-20 of the above-identified patent application are directed to an air cleaner arrangement. Claims 1-13 of U.S. Application Serial No. 10/776,662 are directed to a method of installing a filter cartridge into an air cleaner housing. Accordingly, it is not readily apparent why claims directed at an air cleaner arrangement should be rejected based on obviousness-double patenting over claims directed at a method of installing a filter cartridge into an air cleaner housing. The Examiner is requested to reconsider whether a rejection under obviousness-double patenting is appropriate.

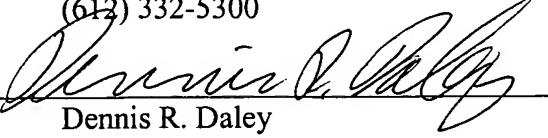
It is pointed out that if the Examiner believes that an obviousness-double patenting rejection is appropriate, the Applicants may be willing to file a terminal disclaimer in order to advance prosecution. Accordingly, if the Examiner wishes to raise an obviousness-type double patenting rejection, the Examiner is requested to contact the Applicant's below-named representative and a terminal disclaimer may be filed.

It is pointed out that claims 1-13 of U.S. Application Serial No. 10/776,662 have been allowed. Furthermore, it is pointed out that U.S. Application Serial No. 10/776,662 and the above-identified patent application both claim priority to U.S. Provisional Application Nos. 60/446,804 and 60/457,255.

It is believed that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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